

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances by reason of the presence of decomposed tomato material.

DISPOSITION: December 21, 1945. Pleas of guilty having been entered by, or on behalf of, each defendant, the court imposed a fine of \$1,000.

9772. Adulteration and misbranding of Catsup Style Sauce. U. S. v. 552 Cases of Catsup Style Sauce. Default decree of condemnation and destruction. (F. D. C. No. 16437. Sample No. 18245-H.)

LIBEL FILED: June 14, 1945, Southern District of Iowa.

ALLEGED SHIPMENT: On or about January 24 and February 27, 1945, by the Quincy Laboratories, Inc., from Chicago, Ill.

PRODUCT: 552 cases, each containing 24 13-ounce bottles, of Catsup Style Sauce at Des Moines, Iowa. Analysis and factory inspection showed that the product contained about 30 percent tomato material (which is less than catsup contains), together with vinegar, onions, spices, sugar beet fiber, and benzoate of soda. The product was reddish in color and had the consistency, odor, and taste of tomato catsup, and it was packed in a typical catsup bottle.

LABEL, IN PART: "Catsup Style Sauce Contains Tomatoes, Vegetable Pulp, Vinegar, Onions, Sugar, Salt, Spices and Spice Flavorings, U. S. Certified Color and $\frac{1}{10}\%$ Benzoate of Soda."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, tomato material, had been in whole or in part omitted from the article; Section 402 (b) (3), inferiority had been concealed by the use of artificial color; and, Section 402 (b) (4), fibrous material from sugar beet pulp and artificial color had been added to the article and mixed and packed with it so as to increase its bulk, reduce its quality and strength, and make it appear to be tomato catsup, which is better and of greater value than the article was.

Misbranding, Section 403 (g) (1), the product purported to be tomato catsup, for which a definition and standard of identity has been prescribed by the regulations, but it failed to conform to the definition and standard for that product.

DISPOSITION: December 28, 1945. The Quincy Laboratories, Inc., having been permitted by the court to withdraw their answer to the libel, judgment of condemnation was entered and the product was ordered destroyed.

9773. Adulteration of tomato juice. U. S. v. 234 Cases of Tomato Juice. Default decree of condemnation and destruction. (F. D. C. No. 17039. Sample No. 10337-H.)

LIBEL FILED: August 14, 1945, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 7, 1945, by the Texas Valley Canning Co., from Harlingen, Tex.

PRODUCT: 234 cases, each containing 12 46-ounce cans, of tomato juice at Pittsburgh, Pa. Examination showed that the product was undergoing active fermentation.

LABEL, IN PART: "Texas Valley Brand Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 5, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9774. Misbranding of tomato paste. U. S. v. 20 Cases of Tomato Paste. Default decree of forfeiture. Product ordered delivered to a charitable institution. (F. D. C. No. 16953. Sample No. 27282-H.)

LIBEL FILED: August 4, 1945, District of Idaho.

ALLEGED SHIPMENT: On or about June 6, 1945, by the W. H. Bintz Co., from Salt Lake City, Utah.

PRODUCT: 20 cases, each containing 6 6-pound, 12-ounce cans, of tomato paste at Boise, Idaho.

LABEL, IN PART: "Pleasant Grove Brand Tomato Paste * * * Pleasant Grove Canning Co. Pleasant Grove, Idaho."

NATURE OF CHARGE: Misbranding, Section 403 (g), the article failed to conform to the definition and standard of identity for tomato paste, since it contained less than 25 percent of salt-free tomato solids.

DISPOSITION: November 9, 1945. No claimant having appeared, judgment of forfeiture was entered and the product was ordered delivered to a charitable institution.

9775. Adulteration of tomato puree. U. S. v. 1,010 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 17143. Sample No. 32349-H.)

LABEL FILED: August 18, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about April 16, 1946, by the St. Mary's Packing Co., from Saint Marys, Ohio.

PRODUCT: 1,010 cases, each containing 6 cans, of tomato puree at Long Beach, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: September 18, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9776. Adulteration of tomato puree. U. S. v. 500 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 16795. Sample No. 32424-H.)

LABEL FILED: July 30, 1945, Eastern District of Washington.

ALLEGED SHIPMENT: On or about June 20, 1945, by the Santa Anita Packing Co., from Orange, Calif.

PRODUCT: 500 cases, each containing 6 No. 10 cans, of tomato puree.

LABEL, IN PART: "Violetta Brand Fancy Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: September 1, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9777. Adulteration of tomato sauce. U. S. v. 137 Cases of Tomato Sauce. Default decree of condemnation and destruction. (F. D. C. No. 17156. Sample No. 23107-H.)

LABEL FILED: August 20, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 11, 1945, by the Akin Products Co., from Mission, Tex.

PRODUCT: 137 cases, each containing 48 7½-ounce cans, of tomato sauce at St. Louis, Mo.

LABEL, IN PART: "Topmost Spanish Style Tomato Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

NUTS AND NUT PRODUCTS

9778. Adulteration of mixed nuts. U. S. v. 12 Cartons of Mixed Nuts. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 17646. Sample No. 7725-H.)

LABEL FILED: On or about October 16, 1945, District of Connecticut.

ALLEGED SHIPMENT: On or about July 11, 1945, by I. Grob and Co., from New York, N. Y.

PRODUCT: 12 55-pound cartons of mixed nuts at Bridgeport, Conn.

LABEL, IN PART: "Groco Brand Quality Mixed Nuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, webbing, and insect excreta.

DISPOSITION: January 16, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as hog feed.